

# MEETING MINUTES

**MILPITAS PLANNING COMMISSION**  
**Milpitas City Hall, Council Chambers**  
**455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, March 8, 2017**

## I. PLEDGE OF ALLEGIANCE

**Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

## II. ROLL CALL/ SEATING OF ALTERNATE

**Present:** Chair Mandal, Commissioners Sandhu, Ciardella, Morris, Maglalang, Mohsin, Chua

**Absent:** Vice Chair Madnawat

**Staff:** Bradley Misner, Katy Wisinski, Lillian Hua, Krishna Kumar

### III. PUBLIC FORUM

**Chair Mandal** invited members of the audience to address the Commission and there were no speakers.

#### IV. APPROVAL OF MEETING MINUTES

**Chair Mandal** called for approval of the February 22, 2017 meeting minutes of the Planning Commission.

**Motion** to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Sandhu/Commissioner Chua

AYES: 7

NOES: 0

ABSTAIN: 0

## V. ANNOUNCEMENTS

Planning Director Bradley Misner announced that the previously agendaized item to discuss a potential project at 1724 Sunnyhills Drive has been continued. The item had been deferred to March 22 however that is no longer the case. Staff wishes to take the item to City Council first as a discussion item which will likely take place in April.

Commissioner Maglalang thanked Mr. Misner for allowing him to attend the Planning Commissioners Academy. He said that several of the items discussed often occur with our Planning Commission. The next academy will be held in Monterey and he encouraged other commissioners to attend.

## VI. CONFLICT OF INTEREST

**Deputy City Attorney Katy Wisinski** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

**VII. APPROVAL OF  
AGENDA**

**Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

**Motion** to approve the March 8, 2017 agenda as submitted.

Motion/Second: Commissioner Sandhu/Commissioner Chua

AYES: 7

NOES: 0

**VIII. CONSENT  
CALENDAR  
NO ITEMS**

**IX. PUBLIC HEARING**

**IX-1 1639 CALERA CREEK HEIGHTS DRIVE – P-SD16-0005:** A request to construct a new 5,997 square foot two-story single-family residence and two detached accessory structures on a vacant lot on the hillside, zoned R1-H Hillside Combining District with a Site and Architectural (-S) Overlay.

Project Planner Lillian Hua showed a presentation describing the project.

Commissioner Maglalang asked how the elevation of the residence compares to the neighboring homes and if it will obstruct their views. Ms. Hua was unsure and deferred the question to the applicant.

Commissioner Morris asked what types of trees are being planted and Ms. Hua reviewed some of the trees listed on the project plans. She said that no trees are being removed from the site.

Applicant Brandin Roat and Architect Phillip Liang were available for questions.

Commissioner Maglalang asked if there is any obstruction of views of the neighboring homes. Mr. Liang said he does not believe the home will block any views. He said the adjacent property to the east is higher than this residence, and each of the properties have many trees that screen their own views and also make it difficult to see each other's homes.

Mr. Liang said he shared images and project information with neighbors and did not receive any negative responses.

Mr. Misner explained that because of where the crest line falls there are two height restrictions and the house has two elevations. With the crest line view protection ordinance, it is the view from the valley floor that is the regulatory piece in trying to maintain the proper view but he understands Mr. Maglalang's concern and attempt to ensure a good neighbor policy in terms of views and the design of the home.

Mr. Misner announced that the Planning Commission meetings are usually televised however tonight there are issues with the video and only audio is available.

Chair Mandal asked if there is a recycled water line nearby for watering the shrubs

and plants. Mr. Liang said it is not a requirement and has not been discussed with the client. Chair Mandal would like recycled water to be considered as part of the landscaping plan if it is available.

Chair Mandal opened the public hearing. Milpitas resident Robert Marini said he is concerned with the number of trees being planted and the amount of potable water being used to water them if there is no recycled water line leading up to the property.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 7

NOES: 0

Commissioner Chua asked how the commission could add a condition to use non-potable water for landscaping.

Ms. Wisinski said that to the extent the city has restrictions in place regarding what type of water would be used for that purpose, they will be required to follow those requirements like any other project would. If the commission is asking that staff take a step back and look at what is available or not available, this is not information that staff has this evening.

Ms. Wisinski pointed out that this is a recommendation to city council and there are a couple of options. Staff can be directed to further review the item and return to the Planning Commission or, to keep this project moving forward, the commission can voice their concerns in this area and make a recommendation that includes them to the city council.

Ms. Wisinski said there are restrictions in place as to what can and cannot be used and she will look into them to make sure this is not already addressed. In terms of adding a new restriction as to the type of water that must be used for this purpose, staff will need to have a look at what is available.

Ms. Wisinski does not want to impose upon one particular project a requirement that might not be imposed on other such projects and she would like to make sure that falls in line with what is required of other projects throughout the city.

Commissioner Chua does not want to restrict this particular applicant but would like an added a condition that if there is a non-potable water line they can connect to that it be considered in the landscaping plan.

Mr. Misner said a condition can be crafted stating that, in the event that the infrastructure is available, the Planning Commission strongly encourages the use of recycled water for the purposes of irrigation. Staff will go back to verify if the infrastructure is there and, if so, will continue with the condition and take it to city council. If it is not there, then the condition will not have any merit and will not be forwarded.

**Motion** to Adopt Resolution No. 17-005 recommending approval of Site Development Permit SD16-0005 to the City Council, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Morris/Chair Mandal

AYES: 7

NOES: 0

**IX-2**

**THALAPPAKATTI RESTAURANT – 252 Ranch Drive – P-UP16-0030:** A request for a Conditional Use Permit for shared parking, as described in City Code Section XI-10-53.11, to allow the use of the available parking spaces based on the parking demand study at 252 Ranch Drive.

Project Planner Krishna Kumar showed a presentation describing the project. She said she received one verbal comment in opposition of the project.

Commissioner Mohsin asked for the size of the seating area and how many people can be seated. Ms. Kumar said the dining space is 1,905 square feet with 144 seats.

Commissioner Maglalang had questions related to parking and asked if the city was obligated to ask for an authorization letter from Aroma Restaurant authorizing the applicant to use parking spaces. Mr. Misner said the parking spaces are shared by all of the tenants and not one tenant has control of the spaces.

He said the application is here this evening because the 896 parking spaces there are less than what would be required by code today if the entire shopping center was built. Because it is going from a retail parking ratio, where the Sleep Train was, to a restaurant, there is an uptick in parking spaces. Staff believes there is still capacity to satisfy Aroma Restaurant and this new restaurant.

David Elliott, the project Architect, spoke about the project and said there are 37 Thalappakatti restaurants worldwide, this being the first in the United States.

Chair Mandal opened the public hearing. Milpitas resident Robert Marini had questions regarding the permit and its conditions.

Mr. Misner said it is a shared parking agreement that is before the commission tonight and the mechanism to have it as a discretionary reviewed case is through the conditional use permit. The conditional use permit will lock the floorplan at a 1,905 square foot dining area with 144 seats, along with a number of other standard conditions.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 7

NOES: 0

**Motion** to Adopt Resolution No. 17-007 approving Conditional Use Permit No. UP16-0030, subject to the attached Conditions of Approval.

Motion/Second: Commissioner Chua/Commissioner Ciardella

AYES: 7

NOES: 0

**X. NEW BUSINESS**

**NO ITEMS**

**XI. ADJOURNMENT**

The meeting was adjourned at 8:09 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Commissioner Mohsin/Commissioner Sandhu

AYES: 7

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*